

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 55
AGENDA DATE: Thu 10/20/2005
PAGE: 1 of 1

SUBJECT: C14-05-0106.01 - West Congress Neighborhood Plan Rezoning, Tract 2B - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4105-4107 South First Street (West Bouldin Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. First reading approved on September 29, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0106.01

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known 4105 – 4107 South First Street (West Bouldin Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning.

DEPARTMENT COMMENTS:

The rezoning ordinance reflects the action taken by the City Council at First Reading.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department (Kathleen Welder)

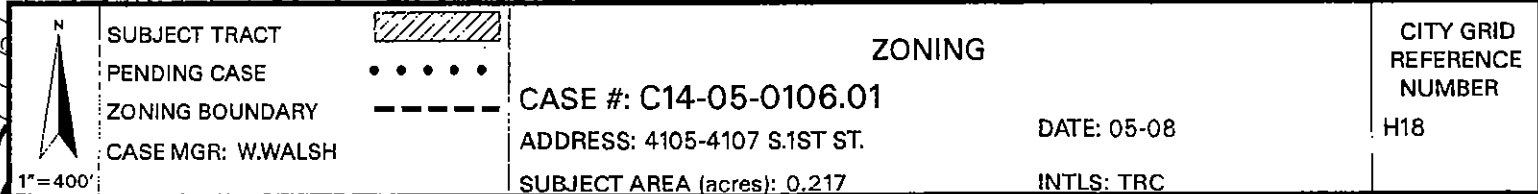
DATE OF FIRST READING: September 29, 2005, approved CS-MU-NP combining district zoning on First Reading (7-0).

CITY COUNCIL HEARING DATE: October 20, 2005

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us



ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4105-4107 SOUTH 1ST STREET FROM LIMITED OFFICE-NEIGHBORHOOD PLAN (LO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-NEIGHBORHOOD PLAN (CS-MU-NP) COMBINING DISTRICT.

~~BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:~~

PART 1. The zoning map established by Section 25-2491 of the City Code is amended to change the base district from limited office-neighborhood plan (LO-NP) combining district to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district on the property described in Zoning Case No. C14-05-0106.01, on file at the Neighborhood Planning and Zoning Department, as follows:

The north 56 feet of Lot 7 and the north 56 feet of the east 27 feet of Lot 8 and the south 64 feet of Lot 7 and the south 64 feet of the east 27 feet of Lot 8, Block C, Placidena Subdivision a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 4, Page 244, of the Plat Records of Travis County, Texas (the "Property")

locally known as 4105-4107 South 1st Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property is subject to Ordinance No. 20050818-Z003 that established the West Congress neighborhood plan combining district.

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

§
§
§

_____, 2005

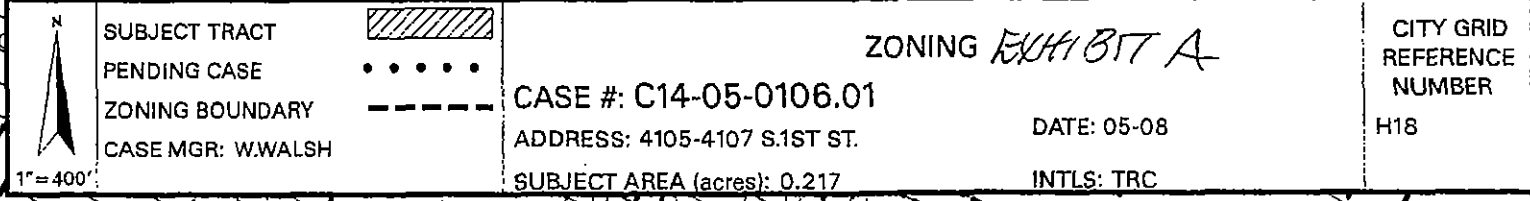
Will Wynn
Mayor

APPROVED:

ATTEST:

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk



ZONING CHANGE REVIEW SHEET

CASE: C14-05-0106.01

P.C. DATE: September 13, 2005

ADDRESS: 4105 – 4107 South First Street

APPLICANT: City of Austin
(Kathleen Welder)

AGENT: Neighborhood Planning &
Zoning Department
(Wendy Walsh)

ZONING FROM: LO-NP **TO:** CS-MU-NP

AREA: 0.217 acres
(9,452.52 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services – mixed use – neighborhood plan (CS-MU-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

September 13, 2005: *APPROVED CS-MU-NP DISTRICT ZONING AS STAFF
RECOMMENDED; BY CONSENT.*

[J. M. CORTEZ; D. SULLIVAN – 2ND] (9-0)

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area consists of portions of two platted lots, is developed with an office, and is zoned limited office-neighborhood plan (LO-NP) combining district. The property has access to South First Street, an arterial and Normandy Street, a local street. There is a food sales use to the north (CS-MU-NP), single family residences to the east (SF-3-NP), a service station and single family residences to the south (CS-MU-NP; SF-3-NP) and food sales, a shopping center and fire station to the west (CS-MU-NP; P-NP). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View), A-2 (Boundaries of the West Congress Neighborhood Planning Area), A-3 (Future Land Use Map of the West Congress Neighborhood Planning Area) and B (Recorded Plat).

The subject property was inadvertently omitted from the rezonings accompanying the West Congress Neighborhood Planning Area. Similarly situated properties located to the north and south were rezoned to general commercial services – mixed use (CS-MU-NP) district with the Plan and designated as Mixed Use on the Future Land Use Map (FLUM). In addition, CS-MU-NP zoning is consistent with the goal of locating mixed – use development and commercial uses along major commercial corridors, and a corresponding objective of

retaining relatively modest scale development along the commercial corridor of South First Street between Ben White Boulevard and St. Elmo Road in order to allow for a variety of local-serving uses. For these reasons, Staff recommends CS-MU-NP district zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-NP	Office
<i>North</i>	CS-MU-NP	Food sales
<i>South</i>	CS-MU-NP	Service station
<i>East</i>	SF-3-NP	Single family residences
<i>West</i>	CS-MU-NP; SF-3-NP	Food sales; Shopping center; Fire station; Single family residences

NEIGHBORHOOD PLANNING AREA:

South Congress Combined Neighborhood Planning Area
(West Congress)

TIA: Is not required

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association
300 – Terrell Lane Interceptor Association
428 – Barton Springs / Edwards Aquifer Conservation District
511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association
742 – Austin Independent School District
950 – Southwood Neighborhood Organization

SCHOOLS:

St. Elmo Elementary School

Porter Middle School

Travis High School

CASE HISTORIES:

Please refer to Related Cases below.

RELATED CASES:

The South Congress Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on August 18, 2005 (C14-05-0106).

As shown in Exhibit B, the rezoning area is platted as portions of Lots 7 and 8, Block C of the Placidena Subdivision, recorded in April 1946.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
South First Street	90 feet	Varies	Arterial	Yes	Route #10	No
Normandy	50 feet	30'	Local	No	No	No

CITY COUNCIL DATE: September 29, 2005 **ACTION:** Approved CS-MU-NP district zoning on First Reading (7-0).

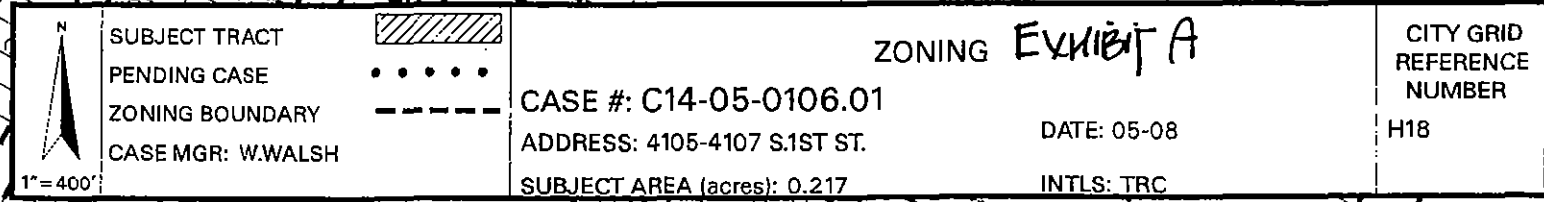
October 20, 2005

ORDINANCE READINGS: 1st September 29, 2005 2nd 3rd

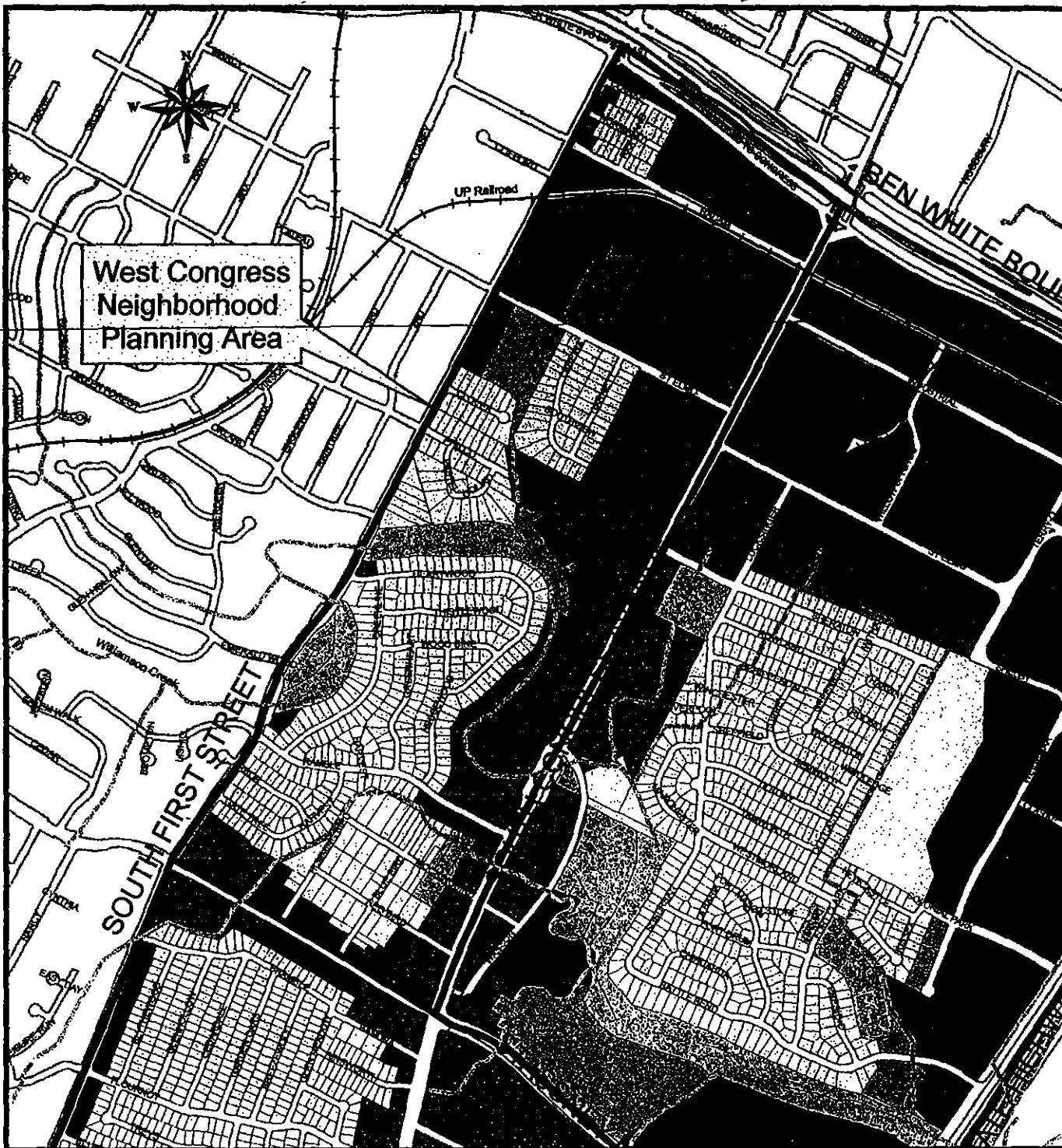
ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719







0 1,000 2,000 Feet



West Congress Neighborhood Planning Area: Future Land Use Map

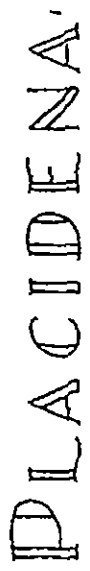
Produced by the City of Austin
Neighborhood Planning and Zoning Department
August 18, 2005

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of aiding neighborhood planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

	Single family		Mixed Use/Office
	Higher-Density Single Family		Industrial
	Mobile Homes		Civic
	Mixed Residential		Open Space
	Multi family		B/D Utilities
	Commercial		UP Railroad
	Mixed Use		Creeks
	Warehouse/Limited Office		boundary layer
	Office		

EXHIBIT A-3

D C CLARKE
Vol 791 P 1.



SCALE 1"=100'
ON IRON PIPE

Surveyed By

(5EAL)

1947-1948

Exhibit B

COUNTY OF TRAVIS KNOW ALL MEN BY THESE PRESENTS: That I, D. C. Clarke, sole owner of the hereon described 0.72 acre tract of land, being a portion of Lots 9110 in Fort View, a subdivision of a portion of the Isaac Decker League adjoining the City of Austin, Travis County, Texas, and also being a portion of that Earlewin tract or parcel of land conveyed to me by deed of Record in Book 791, page 41 of the Deed Books of Travis County Texas, do hereby adapt this map or plat of my subdivision to be known as PLACIDENA, and I do hereby dedicate to the public all streets shown on said map or plat as far as my interest may appear.

IN WITNESS WHEREOF I have hereunto set my hand this the 11th day of April, 1945. D. C. Clarke

THE STATE OF TEXAS,
COUNTY OF TRAVIS,

this day personally appeared _____, the person whose name is set forth in the foregoing instrument, and acknowledged to me that he executed the same for the purposes and intents therein expressed.

11. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE
11th day of April..... A.D. 1946 (SEAL)
W. L. Wilson
Notary Public in and for Texas

APPROVED FOR ACCEPTANCE: *Samuel*
Date: *4/11/46*

APPROVED BY CITY PLANNING COMMISSION:

Date	4-16-46	By	<i>Walter Butler</i>
Date	4-18-46	By	<i>Walter Butler</i>

FILED FOR RECORD:
AT 10 02/06/11, M 20...d

Day of Depose - AD 1966
 by Louis P. Nutt, Deputy
 11-33 Emma Lumber
 Clark County Court, Texas Co. Texas.

THE STATE OF TEXAS }
COUNTY OF TRAVIS, }

COUNTY OF TRAVIS, Miss Emilie Limberg, Clerk of the County Court within and for the County and State aforesaid do hereby certify that the within and foregoing instrument of Writing with its Certificate of Authentication was filed for record in my office on the 20 day of April A D 1946 at 10 o'clock A M. and duly recorded on the 20 day of April A D 1946 at 10:14 o'clock A M. in the Records and County in Book No. Page 244.

Witness My Hand and Seal of the County Court of said County, the date last written above.

Colson Street. apply
Miss Emilie Limbark
Clock County Court, Travis Co, Tex.

2 H 826

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services – mixed use – neighborhood plan (CS-MU-NP) combining district zoning.

BACKGROUND

The subject rezoning area consists of portions of two platted lots, is developed with an office, and is zoned limited office-neighborhood plan (LO-NP) combining district. The property has access to South First Street, an arterial and Normandy Street, a local street. There is a food sales use to the north (CS-MU-NP), single family residences to the east (SF-3-NP), a service station and single family residences to the south (CS-MU-NP; SF-3-NP) and food sales, a shopping center and fire station to the west (CS-MU-NP; P-NP).

The subject property was inadvertently omitted from the rezonings accompanying the West Congress Neighborhood Planning Area. Similarly situated properties located to the north and south were rezoned to general commercial services – mixed use (CS-MU-NP) district with the Plan and designated as Mixed Use on the Future Land Use Map (FLUM). In addition, CS-MU-NP zoning is consistent with the goal of locating mixed – use development and commercial uses along major commercial corridors, and a corresponding objective of retaining relatively modest scale development along the commercial corridor of South First Street between Ben White Boulevard and St. Elmo Road in order to allow for a variety of local-serving uses. For these reasons, Staff recommends CS-MU-NP district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities. The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

This property accesses South First Street, an arterial roadway, and Normandy Street.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

The Staff's basis for recommendation is derived from rezonings approved for similarly situated properties to the north and south, and the goals and objectives for land use as described in the South Congress Combined Neighborhood Plan:

GOAL THREE

Focus mixed-use development and commercial uses along major commercial corridors and in specialized districts.

Objective 3.9

The commercial corridor along South 1st Street between Ben White Boulevard and St. Elmo Road should retain its relatively modest scale and allow for a variety of local-serving uses.

EXISTING CONDITIONS**Site Characteristics**

The subject property is developed with an office. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS-MU-NP zoning district would be 95% which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract by tract basis for any proposed land uses as would typically be provided.

A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

Water and Wastewater

The area is currently served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the applicable and associated City fees.

Compatibility Standards

Any new development on the site is subject to compatibility standards. Along the east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.